

# CHURCH AND STATE NEWSLETTER

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PROTESTANTS AND OTHER AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE

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## THOMAS BILL FAILS TO PASS DESPITE "COMPROMISE" LURE

The House Committee on Education and Labor has voted 13-12 to kill the Thomas aid-to-education bill (S.246), in spite of the adroit appeal which the bill made to the "compromising" instincts of some national legislators. The reason the bill failed to pass—even though there is a widespread conviction among educators and parents that federal aid to the public schools is urgently needed—is that it sought to "compromise" a basic American principle, the principle which is embodied in the First Amendment to the Constitution of the United States.

The 13-12 vote, close as it is, represents a real accomplishment on the part of those Americans who publicly proclaimed that they were not prepared to pay a ransom to the Roman Catholic Church as the price of federal aid to the public schools. POAU is proud to have played a leading part in exposing the joker which had been hidden in the Thomas bill, and in rallying public feeling against it. Principled leaders like Congressmen Graham Barden and Tom Steed, and enlightened organizations like the American Association of School Administrators and the American Association of University Women, stood shoulder-to-shoulder with POAU in this struggle to prevent another breach in the wall of separation between church and state.

### Uphill Battle

That the Thomas bill had been twice passed by the Senate in preceding sessions of Congress with virtually no opposition is only one indication of the formidable nature of the task undertaken by POAU and its friends. Many groups which under ordinary circumstances are among the most zealous exponents of American democracy were seduced into supporting the false "compromise" because of their concern for the immediate material needs of the children attending inadequately-financed public schools. The National Education Association, which endorsed S.246, is a case in point.

Prompt and decisive action was abso-

lutely imperative to save the day, and if POAU and its allies had not supplied it, the Thomas bill would most certainly have passed. As it was, the committee votes on the Barden and Kennedy bills indicate that much work still remains to be done. It is disturbing to note that the Barden bill for aid to public schools only (H.R. 7160) received only nine committee votes, with fifteen against, and that the flagrantly pro-Catholic Kennedy amendment, which would have compelled the federal government to finance "auxiliary services" for parochial schools even in states where the practice is clearly unconstitutional, was able to muster nine votes, with sixteen against.

### Burke Bill Up Next

As we go to press, the House committee is preparing to take up the Burke bill to provide \$300,000,000 in federal aid for public school teachers' salaries only. The Committee on Federal Aid to Public Education (which sponsored the recent meeting at which Mrs. Eleanor Roosevelt and Rep. Barden spoke—*Church and State Newsletter*, March,

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### "VOL. 3 NO. 3"

Through a typographical error, the March, 1950 issue of the *Church and State Newsletter* was printed with the dateline, "March, 1949." The volume and issue numbers (Vol. 3, No. 3) were correctly designated, however.

MRS. ROOSEVELT, POTEAT  
DEBATE SHUSTER, MURRAY



POAU President Poteat addresses Yale Law School conference as Mrs. Eleanor Roosevelt, Dr. George N. Shuster and Father John Courtney Murray (l. to r.) listen.

For the third time in recent months, Roman Catholic spokesmen contended in debate with advocates of strict church-state separation before an audience composed of the cream of American college students, as the Yale Law School's fourth annual Public Affairs Conference was addressed by Mrs. Eleanor Roosevelt, POAU President Edwin McNeill Poteat, Hunter College President George N. Shuster and Father John Courtney Murray, professor of theology at Woodstock College. Government aid to religious schools and religious instruction in public schools were the principal points of discussion. On the two earlier occasions, Paul Blanshard, author of "American Freedom and Catholic Power," debated Father George H. Dunne and Father Robert C. Hartnett, editor of *America*, at Harvard and Yale, respectively.

### Opposing Views

Mrs. Roosevelt reiterated her view that federal aid to education should be provided for public schools only and should be limited to strictly educational purposes, with the question of "auxiliary" non-educational services to be thrashed out apart from the question of aid to public education. Father Murray,

*(Continued on page 2)*

# PARENTAL RIGHTS DENIED IN CHOOLOKIAN CASE

Shortly after the United States Supreme Court refused to review the child-custody suit brought by Hampartoon Choolokian, an Armenian national who formerly resided here with his children, the Catholic Association for International Peace met in Washington and drew up a series of proposals which it recommended to the United Nations for inclusion in that body's draft covenant on human rights. Article 16 of the covenant, declared the Association, should include language stating that "parents have a prior right to choose the kind of education that shall be given to their children." Yet the Choolokian case is an extraordinary episode in which Catholic groups have banded together to bring about a flagrant denial of the "prior right" of Hampartoon Choolokian to choose the kind of education that shall be given to his children!

The facts, briefly stated, are these: Choolokian's wife suffered a mental breakdown in 1944. As a naturalized American citizen residing in New York City, he requested the assistance of the New York State Department of Welfare in caring for his six children during Mrs. Choolokian's illness. He told the authorities that he was a member of the Armenian Orthodox Church and wished his children to be cared for under Protestant auspices. They replied that no suitable Protestant institution was available. The six children were placed in Roman Catholic institutions, but the three older ones were later returned to Choolokian at his own request. The three younger ones have remained in Roman Catholic hands for the past six years, victimized by a conspiracy between the public authorities and the zealous officials of Roman Catholic institutions.

## Deprived of Rights

It was not too difficult for these conspirators to deprive Choolokian of his parental rights. His wife was gravely ill, he was poor—being a shoemaker by trade—and he was in dire need of public assistance in caring for his unfortunate family. In a desperate effort to regain his children and preserve the family integrity, Choolokian joined a party of Armenians who had been offered free passage to Soviet Armenia. This was a boon to his Roman Catholic oppressors—the issue of Communism could now be dragged into the case! Choolokian's application for custody of his children had been granted, but it was now withdrawn on protest by the Roman Catholic authorities. Two hours before sailing time, Choolokian was forced to file suit to compel the officials to return his children to him.

This was the beginning of a protracted period of litigation which had to be conducted without Choolokian's personal presence in the country. He had taken his wife with him to Armenia. A succession of New York courts refused to return the three younger Choolokian children to their father because the judges disapproved of his politics.

Roman Catholic spokesmen, pressing relentlessly for this outcome, conveniently forgot their own doctrine that parents have a "prior right" to choose the kind of education they wish for their children. And now the Supreme Court, in refusing to review the case, has apparently decided that no important constitutional question was involved.

That this case is providing grist for the Russian propaganda mill has already been amply demonstrated. It has been cited by the Soviet Union as an excuse for refusing to return thirty-three American nationals to this country.

## IF THE SHOE FITS . . .

Under the headline, "Spain to Free Message," the *New York Times* recently reported from Madrid that government censors had suppressed "a message by the Pope to the International Congress of Catholic Journalists . . . in which he condemned press censorship and totalitarian methods in general . . ." The report indicated that Spanish newspapers would be allowed to refer to the message later, after the government had time to present them with a prepared commentary "to show that any criticism in the message was not meant for Spain."

"The great emphasis laid by Generalissimo Francisco Franco on his regime's Catholic character," the *Times* explained, "put the authorities in a dilemma when the Pope's critical remarks were received. The condemnation may have been meant only for the Iron Curtain countries, but the shoe also fits this country."

## Syracuse Chapter Chartered

The Syracuse Chapter of POAU has received its charter from national headquarters. Dr. W. Freeman Galpin of Syracuse University is president, the Rev. Glenn O. Canfield is vice-president, Helen H. MacKnight is secretary and Kenneth M. Peterson is treasurer. Also active in promoting the chapter's work are the Rev. Edwin T. Dahlberg, the Rev. Arthur W. Mielke, the Rev. Walter N. Welsh and Warren B. Walsh.

## Debate at Yale

(Continued from page 1)

when challenged by Dr. Poteat as to whether he would go along with Protestant, Jewish and secular leaders in a joint effort to devise public school studies of religion on a non-sectarian basis, replied: "Frankly, no; for what you would get out of it would be liberal Protestantism." Dr. Poteat beamed at this prospect, declaring that it would be "a very wholesome thing for American education," and the audience applauded. Dr. Shuster centered his discussion around a proposal that the income tax laws should be changed to allow deductions for contributions to private schools.

## Audience Belittled

There is, apparently, a feeling among the Catholic leaders that the students at Harvard and Yale have found the arguments presented by Blanshard, Poteat and Mrs. Roosevelt more persuasive than those of their opponents. Father Hartnett, for instance, discusses his debate with Blanshard in a recent issue of *America* magazine in the bitter tones of a defeated man. His article is peppered with disparaging remarks about both Blanshard and the audience, referring to the difficulty of debating "before audiences whose thinking on morals is at best woolly," to Blanshard's "misunderstanding of Catholicism" and "his misunderstanding of Americanism as well—two misunderstandings shared, more or less, by the audience," and observing that "what seems to count with such an audience—perhaps I should say with such a young audience—is naturally what appeals to their personal convenience."

\* \* \* \*

"We argue that envoys to the Vatican cannot give our government any more vital information concerning the nations than our own appointed ambassadors or officials can give us, who represent us in the various nations of the world."

"It is this muddling up of church and state in Europe which has brought religion into so much ill repute among the masses of the people. If democracy is to thrive, and if the common people are to experience the joys and the strength of religion as a vital experience in the soul, then in each country of Europe must come into being a free church in a free state."—Dr. H. H. Bingham in the *Canadian Baptist*.

\* \* \* \*

Still acclaimed two years after publication for its contribution to an understanding of church-state relations—*Separation of Church and State in the United States*, by Alvin W. Johnson and Frank H. Yost, University of Minnesota Press, \$4.50. Order from POAU.

# Priest Who Opposed Peron Still Persecuted By Church

The March, 1949 issue of the *Church and State Newsletter* reported to POAU members on the ouster of Father Dunphy, parish priest of Corpus Christi, Argentina, from the post he had held for fourteen years because he had ventured to criticize certain "unChristian" acts of Dictator Perón's followers. Cardinal Copello of Buenos Aires, in dismissing Father Dunphy from his parish at that time, ended his statement with the words, "May God help you." These were no idle words, for Father Dunphy had incurred the displeasure of a totalitarian church which was, and is, in alliance with a totalitarian state.

Today, we have further news of Father Dunphy for our readers. He has not been excommunicated, but neither has he been reinstated in the good graces of the church. His appeal from the arbitrary judgment of Cardinal Copello has been ignored by higher church authorities. A hearing has, indeed, been available to him in the press—but it has been in the Uruguayan press, not the Argentine press. In a recent letter to Cardinal Copello, published in a Uruguayan newspaper, Father Dunphy wrote:

"I have awaited justice. I have expected justice at the hands of the curia, the nuncio and even from the Holy See. But in vain.

"Your excellency expelled me by simple decree, leaving me without a parish and a means of earning my daily bread; you refused the appointment of an ecclesiastical tribunal before which I could have defended myself . . . you handed me over to the police thinking that this was the easiest way to eliminate me completely.

## Christ Betrayed

"Your excellency knows what sins and vices are overlooked in this capital and all over the country which might otherwise compel the revoking of licenses and the taking away of parishes. But no valid accusation has been brought against me. . . . Today, as formerly, Christ is betrayed for thirty soiled pieces of silver.

"I have denied no doctrine of the church. The 29 best years of my life I have given to the church. I have fulfilled my duties honorably. I leave a poor man. I do not regret what I have done. I shall always remember with profound emotion those whom I comforted in their last moments as they faced eternity; I shall recall the hundreds of children whom I baptized or prepared for the great day of their first communion.

"I leave, yes, but somewhat disillusioned. I thought that the Christianity of today was that of the early centuries, that we also would give our lives to defend our principles, that the flattery of the world would not corrupt us. With sadness I have discovered that the contrary is true, and that the only sin is

going against the current of those who triumph. . . . The early Christians knew what faith was. We have learned diplomacy. That was why they died, but we continue to live."

And what is Father Dunphy doing now? He is making his living as a laborer in an Argentine factory.

## Colorado Nuns in Public Schools Cause Legal Battle

Suits and counter suits are pending in Colorado courts over the presence of two Roman Catholic teaching nuns in "St. Peter's Public School" at Fleming. Last September, W. E. Outcault, a resident of Sterling, charged that public tax money was being used to maintain the Fleming school, which is rented from the Catholic Church and conducted as a "public school."

Shortly afterward, Logan County Treasurer W. F. Alexander withheld the salaries alleged to be due to Sister M. Bertram and Sister M. Georgetta as "public school teachers," upon the advice of his attorney that he might be held personally liable for the money should Outcault be upheld in his suit. The nuns sued to collect their salaries, and District Judge G. C. Twombly has ordered Alexander to pay them. This decision did not affect the main issues raised by Outcault, which Judge Twombly will rule on later—whether or not the nuns may wear religious garb while teaching and whether or not they may be paid from public funds.

*"For his great work for religious freedom, Jefferson was called an 'infidel' by the political preachers of his day. Now the public school that was in part the outgrowth of his philosophy and legislation is called 'godless' by some priests and preachers of our day."*—DR. CHARL O. WILLIAMS, member, POAU executive committee and past president of the National Education Association.

## THOMAS BILL

(Continued from page 1)

1950) has announced that it would support the Burke bill *provided* that it is amended to include satisfactory definitions of "public school" and "public school teacher," and to provide funds for general instructional services as well as increased teachers' salary schedules.

In the meantime, the New York Archdiocese of the Roman Catholic Church has again traded blows with POAU over the issue. A statement by Msgr. John S. Middleton, Cardinal Spellman's secretary for education, in which he asserted that the Cardinal's position on federal aid has been "misrepresented" by Congressman Barden and other believers in the separation of church and state, brought a reply from POAU Executive Director Archer. "The truth," Archer declared, "is that Cardinal Spellman himself misrepresented the hierarchy's position last summer when he made a deliberately false public statement in order to extricate himself from a predicament entirely of his own making . . . as anyone can discover for himself by examining authoritative Roman Catholic pronouncements on church-state relations and the 'rights' of Catholic schools in America . . ." Later, the Cardinal was interviewed by reporters at the dock as he returned from a Holy Year pilgrimage to Rome, and took occasion to repeat the falsehood to which Archer had referred, as well as to launch another personal attack upon Rep. Barden.

## Correction

Last month's story headed "County Payments to Church Institutions Challenged" erroneously placed the scene of Dr. Frederick Curtis Fowler's legal move. The locale is Pittsburgh, Pa., rather than "Knoxville, Tenn." Dr. Fowler is pastor of the Knoxville Presbyterian Church in Pittsburgh. The *Church and State Newsletter* regrets the error.

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1835 K Street, N. W., Washington 6, D. C.

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# Massachusetts Party Strategists Fear Popular Vote on Bus Issue

The Sears-Rugg bill, which would make it mandatory for the state of Massachusetts to provide bus transportation for parochial school pupils, has been passed in the Massachusetts House of Representative by a 213-4 vote. The avowed purpose of the bill's sponsors—Mason Sears, Republican State Committee chairman, and Charles B. Rugg, Boston lawyer and GOP leader—was to circumvent a popular vote on the question of eliminating state support of parochial school bus transportation in Massachusetts. An initiative petition to put the question on the 1950 election ballot had received well over the required minimum of 20,000 signatures, and was upheld in spite of persistent efforts by opponents of the move to have the petition invalidated on technical grounds.

"Republican leaders," according to the *Christian Science Monitor*, "are eager to keep the transportation issue off the November state election ballot on the theory that it would attract to the polls a heavy percentage of Roman Catholic voters who usually vote Democratic." The Sears-Rugg bill provides that free public transportation shall not be denied to pupils going to religious institutions, makes such transportation a matter of "highway safety" for the children, and transfers the transportation law to another section of the statutes. The idea is to make it impossible for the popular referendum to be held on the question because a clause in the state constitution bars use of the initiative petition on "religious" issues.

## Four Legislators Dissent

The Sears-Rugg bill was railroaded through the House without debate. Representatives Harrison Chadwick (R., Winchester), Theodore J. Vaites (R., Melrose), Howard Whitmore, Jr. (R., Newton) and Louis F. O'Keefe (D., Peabody) voted against the measure. After the roll-call vote, Rep. Chadwick obtained permission to make a statement. Some of the members, he said,

had cast their vote on the basis of "political expediency" and others on the basis of "religious expediency," but his own vote was motivated by a respect for the constitutional rights of the citizens who initiated, signed and circulated the petition.

The House-passed bill is only the latest in a whole series of questionable devices which have been employed by political leaders who put party politics and religious affiliation above constitutional principles. A typical example of the kind of tactics used by these "leaders" is to be found in the record of the February hearing on the initiative petition. Karl Haartz of North Andover, one of the witnesses at the hearing, was asked by Rep. Maurice A. Donahue, (D., Holyoke): "Do you believe the graduates of parochial schools supported your liberties during the last war?" Haartz replied that they found this country the best they were ever in and should have defended it. He was then rebuked by Rep. Ralph W. Sullivan, House committee chairman, for not sticking to the subject. Rep. Sullivan, however, was immediately reminded by Dr. Isaac Higginbotham, head of the Massachusetts

Baptist Convention, that it was not Haartz, but Rep. Donahue, who had injected this issue into the proceedings.

## Protestants Press Fight

The sponsors of the initiative petition are continuing their struggle with undiminished ardor, and give every indication that they are as resourceful as their adversaries. Frank J. Batcheller, chairman of the national committee of the League Opposed to Sectarian Aid and one of the chief sponsors of the petition, has announced that a court test of the constitutionality of the Sears-Rugg bill—should it become law—will be sought immediately, and that the challenge will be taken to the Supreme Judicial Court, if necessary. He added that if the Legislature blocks the initiative petition, its backers will carry the issue to the ballot, even though the Sears-Rugg bill is adopted.

Among the Protestant leaders who are standing firm against public-supported parochial school bus transportation are Dr. Emory Stevens Bucke, editor of *Zions Herald*; the Rev. Dana McLean Greeley, president of the Massachusetts Council of Churches; the Rev. George E. Heath, treasurer of the New England Conference of the Methodist Church; Dr. Samuel Allen Jackson, pastor of the Roxbury Presbyterian Church and the venerable Dr. George W. Owen, who recently retired after 37 years as pastor of the Hyde Park Presbyterian Church.

## Illiteracy Rates High In Catholic Countries

Statistics on the percentages of illiteracy in Catholic and non-Catholic countries, as published recently in the *Horace Mann League Letter*, refute the Roman Catholic hierarchy's frequent boast that their educational system is superior to the public school systems in America and other democratic countries. According to the *League*, the figures are as follows:

Hierarchy-Controlled Countries	Percent of Illiteracy
Argentina	54.4
Brazil	85.2
Bolivia	82.9
Chile	49.9
Colombia	73.0
Mexico	70.7
Portugal	68.9
Spain	58.7
Non-Catholic Countries	Percent of Illiteracy
United States	7.7
Canada	11.0
Australia	1.8
Holland	.8
England	1.8
Denmark	.2
Scotland	1.6
Sweden	.2

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